

# EXTENSIONS OF REMARKS

## NATIONAL GOVERNORS' ASSOCIATION SUPPORTS FLOW CONTROL

**HON. CHRISTOPHER H. SMITH**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 8, 1995*

Mr. SMITH of New Jersey. Mr. Speaker, last week, the National Governors' Association passed an important resolution in support of congressional restoration of flow control authority to State and local governments.

When the Supreme Court rejected such authority in its May 1994 decision in *Carbone* versus *Clarkstown*, New York, it struck a devastating blow to the financial stability of thousands of communities nationwide. Justice Sandra Day O'Connor reminded Congress of its part in developing these circumstances. You see, although Congress had implied that States and localities had the authority to use flow control; Congress had never granted the authority explicitly. We now have not only the opportunity, but the responsibility to finish what we started.

It is imperative that we do so with all due speed because communities nationwide have amassed an outstanding debt of more than \$10 billion purely by meeting its traditional responsibilities of picking up the trash.

Congress held hearings and markups and debates on this issue throughout 1994. The divergent interests of local governments, the private sector waste companies, and Wall Street came together through months of intense negotiations. The product of these efforts was a compromise proposal which passed the House by unanimous consent on October 7, and nearly passed through the Senate before it adjourned the next day.

On January 4, I reintroduced this exact text as the Community Solvency Act (H.R. 24) with a bipartisan group of cosponsors. I encourage my colleagues to read the persuasive and well-reasoned arguments of the Governors' resolution and to join them in their fight to meet the public health and safety needs of our constituents in a cost-effective and environmentally sound way. In short, I encourage my colleagues to cosponsor H.R. 24.

### NATIONAL GOVERNORS ASSOCIATION RESOLUTION

3.4.1 Each State, Alone or in Cooperation with Other States, Should Manage the Waste Produced Within Its Borders in an Environmentally Sound Manner. This goal requires states to take responsibility for the treatment and disposal of solid waste created within their borders to eventually eliminate the transportation of unwanted waste sent over state lines for treatment or disposal.

It should be the national policy for each state to promote self-sufficiency in the management of solid waste. States should be allowed to use reasonable methods to achieve their goal of self-sufficiency, including the use of waste flow control. Self-sufficiency is a reliable, cost-effective, long-term path and

generally reflects the principle that the citizens ultimately are responsible for the wastes they create.

As states phase in programs to ensure self-sufficiency, Congress should require the federal government to pursue aggressively packaging and product composition initiatives and to identify and foster creation of markets for recyclable or recycled goods. Federal assistance in these waste reduction endeavors is critical to developing national waste reduction and recycling programs to achieve self-sufficiency.

Similarly, the federal government must mandate national minimum performance standards for municipal solid waste disposal facilities. Otherwise, some states may resolve capacity crises brought about by export limitations by keeping open landfills that otherwise should be closed. Also, the lack of minimum standards may encourage exports, because it might be cheaper, even taking into consideration transportation costs, for a community in a state with stringent regulations to ship to nearby states that do not have the same requirements.

The development of solid waste management plans should be the primary responsibility of the states and local governments, and the Governors urge EPA to assist states in the development of comprehensive and integrated planning and regulatory programs through financial and technical assistance. Such plans should include a ten-year planning horizon and should be updated at least every five years. These plans should include a description of the following:

The waste management hierarchy that maximizes cost-effective source reduction, reuse, and recycling of materials;

The planning period;

The waste inventory;

The relationship between state and local governments;

Municipal solid waste reduction and recycling programs;

A waste capacity analysis for municipal solid waste (which in no way should resemble a capacity assurance requirement similar to Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act, or CERCLA);

The state's regulatory program;

The process for citizen participation; and

Self-certification that the state has necessary authority to implement these program elements.

EPA review of plans should be limited to a check for completeness based on elements specified in this policy and raised by EPA during the public comment period of the draft plan. EPA does not have the ability or the resources to take on the solid waste planning and management responsibilities that fall under the historical and rightful domain of state and local governments. Moreover, EPA's intrusion into the planning process (in a manner similar to Subtitle C of the Resource Conservation and Recovery Act, or RCRA) would frustrate and impede the planning process already underway in many states.

States should retain authority to implement and enforce Subtitle D programs upon passage of legislation reauthorizing RCRA, and new program elements in this legislation

should be automatically delegated to states. Should a state fail to submit a complete plan, EPA should assume responsibility for the permitting and enforcement portion of a state solid waste management program after the state is given the opportunity to appeal and correct any deficiencies.

## THE BALANCED BUDGET AMENDMENT

**HON. LEE H. HAMILTON**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 8, 1995*

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, February 8, 1995, into the CONGRESSIONAL RECORD.

### THE BALANCED BUDGET AMENDMENT

In Late January, with my support, the House passed a balanced budget constitutional amendment by a vote of 300-132. Several different versions were considered. The one that passed would require the President to propose a balanced budget each year, and it would take a 2/3 vote of both the House and Senate to pass an unbalanced budget.

It may well be that nothing short of a constitutional amendment will force Congress and the President to confront the tough choices necessary to balance the budget. We have simply had great difficulty in coming to consensus on specific increases in taxes or cuts in government spending. The result is an institutional bias toward running a deficit. An amendment could very well force the government to set priorities, a key task that has not been done very well in the past.

### PROBLEMS

Although the amendment was broadly supported in the House, there are problems with using a constitutional amendment to balance the budget. First, a balanced budget amendment could reduce the government's flexibility to deal with national emergencies such as war or recession. It could force the government to raise taxes or cut spending to cover the increasing deficit that a slowing economy was generating. Fiscal policy then would exaggerate rather than mitigate the swings in the economy, and recessions would tend to be deeper and longer. Second, a balanced budget amendment puts off tough decisions and delays action until ratification by the states, which could take many years. Postponing the tough choices could make them much harder in the long run. Third, a balanced budget amendment could draw the courts into budget policy. If Congress failed to pass a balanced budget, unelected judges might have the power to raise taxes or cut programs. Fourth, a balanced budget amendment is an incentive for Congress and the President to evade the requirements. They could do that by imposing or withdrawing regulations, placing new requirements on states or business, saying that certain kinds of spending is off budget, setting up quasi-government authorities to borrow money, or scores of

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

other ways. Finally, a balanced budget amendment should distinguish between general operating expenses and capital investments (such as bridges, research, or education). Indiana has operated under a similar system for years. Like a homeowner taking out a mortgage, borrowing for long-term investments can make sense.

#### REASONS TO SUPPORT

Despite these concerns, I do support a balanced budget amendment. For years Congress has tried new ways to reduce the deficit, including caps on spending, across-the-board cuts, and pay-as-you-go requirements. These measures have had some effect, and the deficit is down from a record \$290 billion in 1992 to some \$176 billion this year—a cut of 40%. But the longer-term outlook for the deficit—particularly because of rising health care costs—is not good. Particularly disturbing are recent projections by the Congressional Budget Office that show the deficit could rise to as high as \$421 billion in 2005. This trend is unacceptable.

Although I would prefer that Congress and the President face the tough choices and balance the budget on their own, there is little evidence this will be done. Large deficits drain national savings and investment in long-term economic growth, and yearly interest payments prevent policymakers from responding to new challenges. A balanced budget amendment would force us to better reconcile our investment priorities with our economic means.

#### THE DETAILS

The House considered six versions of a balanced budget amendment. I supported several versions that protected Social Security from being cut to balance the budget and a version that would distinguish between capital investment and general operating costs. I also voted for a version that would require Congress to spell out the difficult choices necessary to balance the budget in the next seven years. We have an obligation to tell the American people how we intend to get the budget into balance. Too many amendment supporters are unwilling to give us specifics on cutting the budget. The cuts necessary will be far deeper than most people have acknowledged, and important programs like Medicare and student aid would be heavily impacted.

I opposed a version that made it easy to waive the balanced budget requirement—in any year when unemployment was above 4%—and also did not support a version requiring a separate 3/5 vote to pass any bill that raised revenue. We should not confer on a congressional minority a veto power over what should be a majority decision to increase revenues. Such a veto power was deliberately rejected by the founding fathers.

A broad coalition of members from both parties were able to put aside their differences and agree on the final version of the amendment. This amendment would be tough on deficit spending. It would require the President to submit a balanced budget every year, and Congress would need a 3/5 vote in both the House and the Senate to pass an unbalanced budget or to raise the federal debt limit. A majority of Congress could waive this requirement in time of war or imminent military threat. The amendment now goes to the Senate, which is expected to take action later this year. If the House and Senate agree on identical language, thirty-eight states will have to ratify the amendment before it becomes part of the Constitution. The states will be taking a careful look at the balanced budget amendment. It could well hurt them. Drastic reductions in federal spending would leave states with the burden of dealing with those who fall through the safety net.

#### CONCLUSION

I still have reservations about the House version, and would prefer greater flexibility to deal with national emergencies, protections for Social Security, and requirements that we spell out to the American people what it would take to balance the budget. I believe the House-passed version was good enough, and the need for a balanced budget amendment strong enough, that the process should go forward. I am hopeful that the Senate can address some of my concerns. I will want to see what happens in the Senate before making a final decision on the balanced budget amendment.

#### TRIBUTE TO THE CLARE ROTARY CLUB

#### HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 8, 1995*

Mr. CAMP. Mr. Speaker, I rise today to honor the Rotary Club of Clare, MI. On February 11, 1995, members and friends will gather to celebrate the Clare Rotary's 50th golden anniversary. The Clare Rotary Club has enjoyed a long and distinguished history during which they helped and improved many lives. They may proudly look back on their history and take pride in the many events they have sponsored and the assistance they have provided.

The Rotary Club plays a vital role in the development of our families and communities. By selflessly giving of themselves, members have demonstrated the rewards we reap when we help others in need. The time and effort the members have devoted to improving the community illustrates the sensitivity and caring that makes the Rotary Club of Clare the wonderful organization it is.

Their work and accomplishments provide a sterling example of what deeds can be performed with dedication and contribution. Everyone involved with their efforts lives by the motto, "He Who Profits Most \* \* \* Serves Best" and more recently, "Service Before Self." These are words that, when taken to heart, can help raise people, families, and communities to new levels of achievement. The Rotary Club members have not only embraced these words but acted to help others and inspired us all to help our fellow citizens.

Mr. Speaker, I know you will join my colleagues and I in commending the work of the Rotary members and their 50 years of giving. It is this sense of philanthropy, the cornerstone of our Nation, which has made this Nation and community such an exceptional place to live. I wish them continued success and look forward to another 50 years of service.

#### LEGISLATION TO NAME YOUNGSTOWN COURTHOUSE AFTER THOMAS D. LAMBROS

#### HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 8, 1995*

Mr. TRAFICANT. Mr. Speaker, today I am reintroducing legislation to name the Federal building and U.S. courthouse in Youngstown, OH after retired U.S. District Court Judge

Thomas D. Lambros. Throughout his distinguished career, Judge Lambros embraced the rule of law, human rights, and social justice for all our citizens. I can't think of a more appropriate way to honor his service than to name the U.S. courthouse and Federal building in Youngstown, OH after this great American jurist.

The bill would designate the Federal building and U.S. courthouse located at 125 Market Street in Youngstown as the Thomas D. Lambros Federal Building and U.S. Courthouse.

Thomas D. Lambros was born on February 4, 1930, in Ashtabula, OH. He graduated from Ashtabula High School in 1948. Upon graduation from high school, he attended Fairmont State College in Fairmont, WV, from 1948 to 1949, and received his law degree from Cleveland Marshall Law School in 1952. From 1954 to 1956 he served in the U.S. Army. In 1960, Lambros was elected judge of the court of common pleas in Ohio's Ashtabula County. In 1966, he was reelected to a second term without opposition.

In 1967, in light of Judge Lambros' excellent record as a fair and dedicated jurist, President Lyndon B. Johnson nominated him to the Federal bench in the U.S. District Court in the northern district of Ohio. As a district court judge, Judge Lambros was responsible for many important reforms such as the voluntary public defender program to provide indigent criminal defendants with free counsel. His groundbreaking work in this area preceded the landmark U.S. Supreme Court decision, *Gideon versus Wainwright*, which guaranteed free counsel to indigent criminal defendants. In 1990, Judge Lambros became chief judge in the northern district of Ohio. He officially retired from that post earlier this month. Judge Lambros currently resides in Ashtabula, OH.

Judge Lambros received numerous honors and awards throughout his career, including the Cross of Paideia presented by Archbishop Iakovos of the Greek Orthodox Archdiocese of North and South America, and an honorary doctorate of law from Capital University Law and Graduate Center.

Mr. Speaker, I would like to also add that it was Judge Lambros' commitment and vision that was the driving force behind the construction of the Federal building and U.S. courthouse in Youngstown. He recognized that the people who live in the Youngstown area—regardless of their station in life—deserve to have adequate and direct access to the U.S. court system. Prior to the opening of the U.S. courthouse building in Youngstown in December of 1993, my constituents had to travel at least 65 miles to Cleveland, OH if they had business in the Federal court system. Judge Lambros recognized the hardship this imposed on many people, especially senior citizens and the indigent. His commitment to equal justice and equal access for all played an important role in building the Youngstown courthouse. My constituents and I will be forever grateful to Judge Lambros for his broad vision and commitment to justice.

I urge all my colleagues to support this legislation, the text of which appears below.

H.R.—

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*